

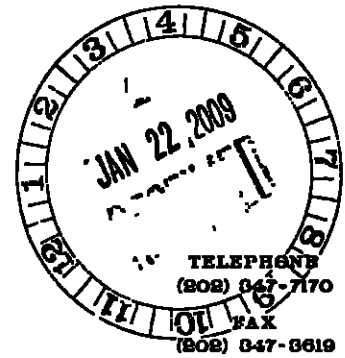
WILLIAM L SLOVER  
C MICHAEL LOFTUS  
JOHN H LE SEUR  
KELVIN J DOWD  
ROBERT D ROSENBERG  
CHRISTOPHER A MILIS  
FRANK J PERGOLIZZI  
ANDREW B KOLESAR III  
PETER A PFOHL  
DANIEL M JAFFE  
STEPHANIE P LYONS  
JOSEPH M HOFFMAN

OF COUNSEL  
DONALD G AVERY

# SLOVER & LOFTUS LLP

ATTORNEYS AT LAW

1224 SEVENTEENTH STREET N W  
WASHINGTON, D C 20036-3003



WRITER'S E-MAIL

kjd@sloverandloftus.com

224385-

January 22, 2009

## VIA HAND DELIVERY

The Honorable Anne K. Quinlan  
Secretary  
Surface Transportation Board  
395 E Street, S W  
Washington, D C 20423-0001

ENTERED  
Office of Proceedings

JAN 22 2008

Part of  
Public Record

Re Docket No 42095, Kansas City Power & Light Company  
v Union Pacific Railroad Company

Dear Secretary Quinlan

Enclosed for filing in the referenced proceeding, please find an original and 20 copies of the parties' joint Statement of 2007 Reparations

An additional copy of the Statement also is enclosed. Kindly indicate receipt and filing by time-stamping this extra copy and returning it to the bearer of this letter. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelvin J. Dowd".

Kelvin J. Dowd  
An Attorney for Kansas City Power & Light  
Company

cc Counsel for Defendant

Docket No 42095

In its Decision served May 19, 2008, the Board found that the rates charged by Defendant Union Pacific Railroad Company ("UP") for coal transportation service from mines in the Southern Powder River Basin to the Montrose Generating Station near Ladue, Missouri, owned and operated by Complainant Kansas City Power & Light Company ("KCPL"), exceeded maximum reasonable levels. The Board directed UP to establish and maintain rates no higher than 180% of the variable cost of the subject service, and to pay reparations to KCPL, plus applicable interest, for shipments made under the challenged rates from and after January 1, 2006. See Decision at 11.

Effective July 18, 2008, UP established new rates in compliance with the Board's Decision. KCPL and UP have cooperated to identify the traffic entitled to reparations for calendar year 2007, and have calculated reparations and interest thereon in compliance with 49 C.F.R. Part 11.33-2. KCPL and UP will calculate reparations and

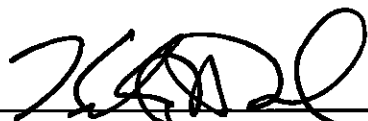
interest on traffic moving between January 1 and July 17, 2008, once the data necessary to determine the maximum reasonable rates for those time periods under the Board's Decision become available

In accordance with the applicable regulations, the parties are submitting this Statement of Reparations for shipments covered by the Board's Decision during calendar year 2007. The reparations (including interest) as calculated by the parties for 2007 total \$513,177.79 as of January 20, 2009, which is the date on which UP tendered payment. The parties will prepare and submit a similar statement for January 1 – July 17, 2008, promptly upon the completion of calculations for that time period.

Attachment No. 1 hereto is the certification required by 49 C.F.R.

Part 1133.2

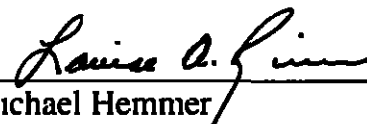
Respectfully submitted,

  
Kelvin J. Dowd  
Slover & Loftus  
1224 Seventeenth Street, N.W.  
Washington, D.C. 20036  
(202) 347-7170

William G. Riggins  
General Counsel  
Kansas City Power & Light Company  
1201 Walnut  
Kansas City, MO 64141

Attorneys for Kansas City Power & Light Company

Dated January 20, 2009

  
J. Michael Hemmer  
Louise A. Rinn  
Union Pacific Railroad Company  
1400 Douglas Street  
Omaha, NE 68179

Michael L. Rosenthal  
Covington & Burling, LLP  
1201 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
(202) 662-6000

Attorneys for Union Pacific Railroad Company

**CERTIFICATION**

Kansas City Power & Light Company ("KCPL") hereby certifies that this Statement includes claims only on shipments covered by the findings in the above-captioned Docket, and contains no claim for reparations previously filed with the Board by or on behalf of KCPL or, so far as KCPL knows, by or on behalf of any person, in any proceeding

KCPL received UP's payment described below in satisfaction of the reparations and interest award pursuant to the May 19, 2008 Decision for traffic moving during the 2007 calendar year only, on January 20, 2009

  
Kansas City Power & Light Company

By David L. Laffere  
Manager of Fuels  
1201 Walnut  
P O Box 418679  
Kansas City, Missouri 64141

Date 1/16/09

The total amount of reparations and interest for traffic moving during the 2007 calendar year equals \$513,177.79. The undersigned hereby certifies that the total amount of reparations and interest for such traffic through January 20, 2009 has been checked against the records of Union Pacific Railroad Company and found correct.

  
\_\_\_\_\_  
Union Pacific Railroad Company

By Jeffrey P. Totusek  
Vice President - Controller and Chief Accounting Officer

Date January 20, 2009